

October 3, 2025

VIA ECF

The Honorable LaShann DeArcy Hall
United States District Court, Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Pusateri, et al. v. Diageo North America, Inc.*, No. 25 Civ. 2482 (E.D.N.Y.)

Dear Judge DeArcy Hall:

Plaintiffs submit this response to Diageo's October 3 letter (ECF 26). Although all parties support the proposed briefing schedule, Plaintiffs write separately regarding Diageo's request that the Court depart from its Individual Practices and its "clarification" concerning Colorado law.

Diageo's assertion that Plaintiffs' claims are "false, highly inflammatory, and risk confusing consumers" is unfounded rhetoric. As set out in Plaintiffs' response to Diageo's pre-motion letter (ECF 27), the Amended Complaint contains detailed allegations based on both Plaintiffs' own independent testing and testing by an outside organization showing that Diageo's tequilas are not 100% agave. Diageo offers no credible response to these allegations, and so its request that the Court depart from its standard practices should be denied.

Finally, Plaintiffs address Diageo's Colorado law arguments in their response to Diageo's pre-motion letter. Those arguments remain without merit.

Sincerely,

HAGENS BERMAN SOBOL SHAPIRO LLP

/s/ Nathaniel A. Tarnor

Cc: All Counsel of Record (via ECF)